



# *CITY COUNCIL*

## *Committee of the Whole*

Monday, April 27, 2009

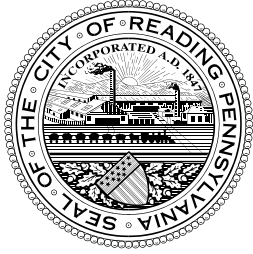
Council Office

5:00 pm

Agenda

I. Executive Session - Personnel 5:00 pm

IV. Agenda Review 6:15 pm



# ***COMMITTEE of the WHOLE***

## ***CITY COUNCIL***

**MINUTES**  
**April 13, 2009**  
**5:00 P.M.**

### **COUNCIL MEMBERS PRESENT:**

V. Spencer, D. Sterner, M. Goodman-Hinnershitz, M. Baez, S. Marmarou, S. Fuhs

### **OTHERS IN ATTENDANCE:**

L. Kelleher, S. Katzenmoyer, C. Younger, R. Hottenstein

Mr. Spencer, President of Council, called the Committee of the Whole meeting to order at 4:58 p.m.

### **I. Executive Session**

Council entered executive session at 4:58 pm to discuss personnel issues. Council exited executive session at 5:13 pm.

### **II. Affirmative Action Plan**

C. Kanezo, C. Heminitz, J. Ayala and C. Wheelen joined the meeting at this time.

Mr. Spencer questioned why this issue was being brought forward. Ms. Wheelen indicated that it has been a goal of the Human Resources Department to update the Plan and that the Diversity Boards have requested it.

Mr. Ayala reviewed a handout distributed to Council outlining the work done during the evaluation. He reported that People Click performed a workforce analysis. He reviewed the executive summary and noted the work was necessary due to the settlement agreements which resulted in the formation of the Police Diversity Board and Fire Diversity Board. He noted that the last update of the City's Affirmative Action Plan was in 1981. He stated that the full report will be on file in the Human Resources Department and is available for public review after Council adoption.

Mr. Spencer questioned if the Plan would be available in Spanish. Mr. Ayala indicated

that the Police Diversity Board will follow up on this issue. He stated that there are 21 dialects spoken in the City. He stated that if a translation is done it should be done by a professional. He stated that the Plan is primarily an internal document to guide recruitment. He stated that he has reservations about translating the Plan.

Mr. Fuhs questioned if all protected classes were included in the evaluation. Mr. Ayala stated that all EEOC protected classes were analyzed. He stated that the focus of the report is women and minorities.

Mr. Fuhs questioned which category included police officers and fire fighters. Mr. Ayala noted that they are included in the service workers category and some other higher ranking police and fire department members were in other categories.

Mr. Fuhs questioned if a Latina would be classified as a woman or a minority. Mr. Ayala stated his belief that she would be classified as a woman.

Mr. Ayala noted that the report must now be evaluated by department directors for accuracy. He stated that the Plan will now be reviewed annually.

Mr. Waltman joined the meeting at this time.

Mr. Ayala reported that solutions were also offered by People Click in relation to placement goals.

Mr. Spencer noted that several positions in the category reviewed need to change. Mr. Ayala stated that the data is skewed and needs to be corrected. This is the purpose of the departmental review. Ms. Wheelen stated that this will become a recruiting tool for Human Resources to better direct advertising of available positions.

Mr. Spencer questioned how the Plan would affect the Police and Fire Diversity Boards. Mr. Ayala stated that they will have quantified information now and can see the results of their efforts. Ms. Wheelen again stated that this is a result of the settlement agreements.

Mayor McMahon joined the meeting at this time.

Mr. Ayala indicated that the Police Diversity Board is demanding a copy of the Plan. He informed them that Council would need to review the Plan first. He questioned when the document becomes public and can be released. Mr. Spencer noted the need for the Legal Department to make that determination.

Mr. Ayala stated his belief that the Police Diversity Board should focus their efforts on the results relating to the Police Department. The Chair wants to review the entire Plan. He stated that the Chair has threatened further legal action if the entire Plan is not released to the Police Diversity Board before Council takes action.

Mr. Fuhs noted that it is not an official document until after Council takes action.

Mr. Spencer reminded all of the federal settlement agreement.

Mr. Fuhs reminded Council that a City-wide Diversity Board was created to oversee all

Affirmative Action issues. He stated that input should be received from the Police Diversity Board as with any other Council action.

Mr. Spencer suggested that the Legal Department consult with Attorney MacMain regarding this issue.

Mr. Ayala noted that the settlement agreement states the Police Diversity Board will review Affirmative Action reports but does not allow input on the creation of the Affirmative Action Plan.

Mr. Marmarou noted his belief that they should be allowed to review the information.

Mr. Fuhs stated that the Police Diversity Board should not be lead to believe that Council cannot act without their input.

Mr. Ayala stated his belief that forward motion on the Plan will cease as the Police Diversity Board will scrutinize the entire report and recommend drastic changes.

Mr. Spencer again stated that Mr. Younger and Attorney MacMain be consulted.

Mr. Waltman stated his belief that reviewing the City's Affirmative Action Plan is not in the scope of the Police Diversity Board. He stated his belief that the Board can comment when the item is on the table for Council consideration. Mr. Younger stated that the Board can make public comment at any time.

Ms. Goodman-Hinnershitz stated her belief that Council should decide when this Plan is released to the public. She stated her belief that the goals and analysis of the Plan may be disputed by the Police Diversity Board.

Mr. Waltman again stated his belief that the Board should make public comment as is Council's standard operating procedure and no special exception should be made on this issue. He stated that the Plan is a work in process until it is on the table for Council's consideration. He noted his willingness to table the Plan if the Board has major issues which are addressed at public comment.

### **III. Public Improvements**

Mr. Boscov joined the meeting to update Council on several projects.

The Goggleworks Apartments are moving forward. He noted that the bonds are being issued. The project will be re-bid as much time has passed since the initial bids were received. He stated that construction is set to begin in June 2009 and be completed in August 2010. He requested the City allow a letter of guarantee rather than a bond for the improvements to the sidewalks, curbs, etc.

The hotel project is also moving forward. He stated that Governor Rendell has guaranteed \$15 million, of which \$6 million will be used toward the garage portion of the project. He stated there is an additional \$8 million available through private investors. He stated that construction is scheduled to begin in spring 2010 and the hotel ready to open in 2011.

Mr. Boscov stated that there are currently 17 Our City Reading home rehabilitation projects. This brings OCR properties to over 400. He noted that even in the poor economy, not one property has been foreclosed.

Mr. Boscov reported that the IMAX Theater is doing very well. He also stated that the other theaters are gaining market share. He stated that the owner expects to become profitable in 2010. He noted the addition of live broadcasts of the Metropolitan Opera which sell out every showing.

Mr. Sterner questioned the progress on opening a restaurant in the adjacent parking garage. Mr. Boscov noted his hope that a restaurant would be open in approximately three months.

Mr. Waltman questioned when Mr. Boscov needs to know if the City would allow a letter of guarantee for the improvements to the sidewalks, curbs, etc. Mr. Boscov noted that he would need to have a decision by the end of May.

#### **IV. Agenda Review**

Council reviewed the agenda for this evening's meeting.

- Ordinance establishing an application fee for all businesses that sell food in the City of Reading

Mr. Sterner questioned the removal of the Health Officer. Ms. Kelleher stated that the Health Officer is part of the Codes Division.

Mr. Fuhs questioned if the fees were being adjusted. Ms. Katzenmoyer indicated that the fees are not changing but that other categories of food sellers were added.

- Ordinance adding regulations regarding satellite dishes in historic districts

Mr. Waltman requested Council table this ordinance to allow further review by HARB. He requested that HARB act quickly.

Mr. Fuhs questioned if this could be adapted City-wide. Mr. Younger indicated that it would be advantageous to initiate this focus in historic districts and expand the scope to City-wide at a later date.

Mr. Spencer questioned if the body wished to pursue expanding the scope.

Mr. Fuhs stated his belief that discussions should begin to apply this City-wide. He noted the need to address placement of satellite dishes to avoid deteriorating conditions.

Mr. Spencer noted his belief that the City's gateways are not historic but should be addressed.

Ms. Goodman-Hinnershitz noted her belief that Council should begin enforcing this

issue in historic districts and expand the scope at a later date.

Mr. Marmarou questioned if the placement of satellite dishes was for best reception or ease of placement. Mr. Hottenstein stated that it is both.

Mr. Spencer suggested that this issue be discussed further by the Administrative Oversight and Land Use Committee.

- Ordinance amending Chapter 11 Housing

Mr. Spencer indicated that this amendment is a result of the recommendations of John Kromer and Eric Weiss. This is the process recommended to clear the backlog of rental inspections.

Mr. Waltman stated that he does not support making intermittent changes to the process. He also stated that he does not support the concept of the rental registration. He noted the need for an end-to-end system. He stated that this amendment is unclear and should state that \$50 and a rental registration does not guarantee a rental permit will be issued.

Ms. Goodman-Hinnershitz noted the need for this change based on the experiences of Codes staff since the process has changed.

Ms. Kelleher noted errors in this amendment which need to be corrected before its passage.

Mr. Marmarou suggested that this amendment be passed so that the process can move forward.

Mr. Waltman noted that too many small changes are being made. He noted that this approach is not working.

Ms. Goodman-Hinnershitz stated that this is a work in progress. She stated that adaptations have needed to be made. She noted the huge undertaking of the rental process.

C. Jones joined the meeting at this time.

Mr. Sterner indicated that the Codes office is too far behind in rental inspections. He noted that this is a way to clear that backlog. He stated that the properties would be registered and inspections scheduled.

Mr. Waltman noted the need for a comprehensive, simple process. He again stated that changes should not be made piecemeal. He would like the entire Chapter 11 to be reviewed.

Ms. Goodman-Hinnershitz stated that the housing study has deemed this change necessary to the process. She noted the need to improve the process.

Ms. Kelleher noted that the housing issue is scheduled to be discussed at the April 20 Council Work Session.

- Ordinance amending the Charter Board Ordinance regarding the withdrawal of complaints

Mr. Spencer questioned how the Courts handle the removal of complaints. Mr. Younger stated that the approval of the District Attorney is needed. Mr. Marmarou added that the victim must also approve. Mr. Younger noted that the District Attorney can pursue the issue but generally does not.

Mr. Waltman noted the ability of the Charter Board to initiate investigations.

Mr. Spencer stated his belief that if a complaint is withdrawn and has merit that the Charter Board pursue the complaint under their own investigation.

- Ordinance amending the full time position ordinance by adding a Zoning Inspector and removing a Property Maintenance Inspector

Mr. Hottenstein described the need for a zoning inspector. He stated that one property maintenance inspector will become the zoning inspector.

Mr. Spencer questioned if the zoning administrator could also inspect properties. Mr. Hottenstein stated that they could. This adds enforcement capability.

Mr. Spencer questioned if the zoning inspector would receive a pay increase. Mr. Hottenstein said that they would not.

- Ordinance amending the FY 2006-2012 Capital Improvement Plan

Mr. Hottenstein noted that this amendment adds \$50,000 for the upgrades to Council Chambers and the Penn Room.

Ms. Kelleher explained that the upgrades would allow meetings in these rooms to be webcasted. Ceiling cameras would be installed. This upgrade will eliminate the need for stenographers during public hearings. She also noted the support of the Emergency Management officer to use this capability in case of a disaster.

- Authorizing the removal of the Bushong Mill Dam

Mr. Waltman reported problems with the buildings behind the dam area. He noted that these issues are far more dangerous than the dam issues. Mr. Jones noted that the owner of this building is in the process of making repairs to this area.

Mr. Younger noted new information disclosed by Attorney Binder that the City may not own the dam. He has not reviewed this new information and requested the resolution be tabled.

Mr. Fuhs questioned if a vote is taken, if any harm is done if the City is not the owner. Mr. Younger stated that the City does not have the right to sign the authorizations if it is not the owner.

Mr. Waltman noted the need for Council to make a decision and move forward.

Mr. Jones noted his willingness to withdraw the resolution until the new information is reviewed.

Mr. Fuhs stated that the PA DEP has researched the ownership of the dam and has stated that the City is the owner. He questioned the rationale of not moving forward because of a maybe. Mr. Younger again stated that he has not reviewed the new information.

Mr. Fuhs stated that this information should have been reviewed prior to this evening's meeting. Mr. Younger advised Council not to take action at this time.

- Agenda additions

A 2009 budget amendment will be added for introduction.

A resolution reappointing Donna Glaze to the Water Authority will be added.

The meeting adjourned at 7:04 pm.

Respectfully Submitted  
Linda A. Kelleher, CMC  
City Clerk